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OFFICE OF PETITIONS

In re Application of
Abdul-Ahad et al.
Application No. 10/815,342
Filed: April 1, 2004
Attorney Docket No. 53208AUSM1

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: **DECISION REFUSING STATUS**
: **UNDER 37 CFR 1.47(a)**
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This is in response to the petition under 37 CFR § 1.47(a), filed October 4, 2004.

The petition under 37 CFR. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on April 1, 2004, without an executed oath or declaration. Accordingly, on August 3, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of October 3, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. The \$130.00 petition fee has been charged to deposit account 02-2117. In support of the petition, applicants submitted copies of correspondence which was mailed to the non-signing inventors.

A grantable petition under 37 CFR. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the

As to item (2) the declaration executed by Inventor Gross does not contain the mailing and or residence address of inventors Abdul-Ahad and Gross pursuant to 37 CFR 1.63 (c)(1). A review of the file confirms that such information is not located in an application data sheet pursuant to 37 CFR 1.76. A newly executed declaration or an ADS is required.

By mail: Mail Stop Petition
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